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4 JILL LEOVY,
5 Plaintiff,
6 v.
7 GOOGLE LLC,
8 Defendant.

9 Case No. [23-cv-03440-EKL](#)
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12 **ORDER REGARDING
13 CONSOLIDATION PLAN**

14 Re: Dkt. Nos. 73, 75, 76

15 ZHANG, et al.,
16 Plaintiffs,
17 v.
18 GOOGLE LLC, et al.,
19 Defendants.

20 Case No. [24-cv-02531-EKL](#)
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23 On October 28, 2024, the Court granted the parties' stipulation to consolidate the related
24 actions *Leovy v. Google LLC*, Case No. 5:23-cv-03440-EKL, and *Zhang v. Google LLC*, Case
25 No. 5:24-cv-02531-EKL. ECF No. 73. The parties filed competing proposals regarding
26 Plaintiffs' consolidated amended complaint. ECF Nos. 75, 76. Defendants Google LLC and
27 Alphabet Inc. ("Google") fear that Plaintiffs may "seek to moot Google's fully-briefed and long-
28 pending motions to dismiss" by filing an amended complaint that "materially depart[s] from their
prior pleadings." ECF No. 75 at 1. Google also raises a broader concern that Plaintiffs forced
Google to needlessly brief a motion to dismiss and a motion to consolidate, only to moot those
motions "through capitulation." ECF No. 75 at 1. Plaintiffs respond that "consolidated
complaints routinely add proposed class representatives and frame the case after review and
analysis of various allegations, and also address new developments." ECF No. 76 at 2.

1 This litigation has been pending for nearly sixteen months. The Court expects the parties
2 to litigate this action expeditiously. The Court also expects the parties to cooperate in good faith,
3 and to communicate frequently and transparently, to avoid wasting party and judicial resources.

4 Accordingly, the Court ORDERS as follows:

- 5 (1) By November 19, 2024, Plaintiffs' counsel shall file a proposal for the appointment
6 of interim lead counsel, not to exceed ten pages.
- 7 (2) Google's motions to dismiss are TERMINATED as moot. *See Leovy* ECF No. 55;
8 *Zhang* ECF No. 24. The motion hearing set for December 18, 2024, is VACATED.
- 9 (3) The initial case management conference is reset from February 5, 2025, to
10 December 18, 2024, at 1:30 p.m. via Zoom video. The parties shall submit a joint
11 proposed case schedule fourteen days before the case management conference.
- 12 (4) By December 6, 2024, the parties shall meet and confer regarding Plaintiffs'
13 contemplated amendments to the complaint. Plaintiffs shall disclose all new
14 parties, new claims, and new allegations not included in either the *Leovy* second
15 amended complaint or the *Zhang* complaint. Plaintiffs shall also identify any
16 parties or claims that they intend to abandon. By December 13, 2024, the parties
17 shall meet and confer again, this time to discuss Google's anticipated bases for
18 moving to dismiss the consolidated amended complaint. These conferences shall
19 be held in person or by videoconference. In finalizing the consolidated amended
20 complaint, Plaintiffs shall make substantial good-faith efforts to address the issues
21 Google raised at the conference and in prior motions to dismiss.
- 22 (5) By December 20, 2024, Plaintiffs shall file a consolidated amended complaint.
23 That same day, Plaintiffs shall also file a highlighted version that identifies all new
24 parties, claims, and allegations.
- 25 (6) By January 17, 2025, Google shall answer or move to dismiss the consolidated
26 amended complaint. If Google believes that the amendments are improper under
27 Federal Rule of Civil Procedure 15(a)(2), Google may request excess pages to
28 address this issue.

- 1 (7) By February 7, 2025, Plaintiffs shall file an opposition to the motion to dismiss.
2 (8) By February 21, 2025, Google shall file a reply in support of the motion to dismiss.
3 (9) Google's motion to dismiss shall be noticed for a hearing date in compliance with
4 this Court's Standing Order for Civil Cases.

5 IT IS FURTHER ORDERED that the *Leovy* and *Zhang* actions, having been consolidated,
6 shall be maintained under Master File Case No. 5:23-cv-03440-EKL (the "Consolidated Action").
7 All filings related to the Consolidated Action shall be filed under Master File Case No. 5:23-cv-
8 03440-EKL and shall bear the following case caption:

9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**
11 **SAN JOSE DIVISION**

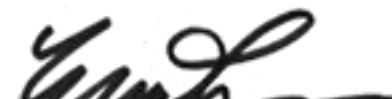
12 *In re Google Generative AI Copyright*
13 *Litigation,*

Master File Case No. 5:23-cv-03440-EKL
Consolidated with Case No. 5:24-cv-02531-EKL

15 No further filings shall be made in Case No. 5:24-cv-02531-EKL, which shall be
16 administratively CLOSED. All papers previously filed and served to date in Case No. 5:24-cv-
17 02531-EKL are part of the record in the Consolidated Action. Each attorney who has already made
18 an appearance or has been admitted pro hac vice in Case No. 5:24-cv-02531-EKL shall be deemed
19 admitted in the Consolidated Action. Any attorney who has not yet entered an appearance shall file
20 a Notice of Appearance in the Consolidated Action.

21 **IT IS SO ORDERED.**

22 Dated: November 7, 2024



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25 Eumi K. Lee
26 United States District Judge
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